



City of Seattle

Gregory Nickels, Mayor
Department of Planning and Development
Diane Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application: 2404319
Applicant Name: Sharon Coleman
Address of Proposal: 1371 31st Avenue South

SUMMARY OF PROPOSED ACTION

Master Use Permit to establish use for future construction of three unit townhouse in an Environmentally Critical Area. Parking for six vehicles to be provided within the structure. Project includes future demolition of existing structure.

The following approvals are required:

- Administrative Conditional Use Permit for a single purpose residential use in an NC2-40 zone (SMC 23.47.004E).
- SEPA - Environmental Determination - Chapter 25.05 SMC

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition
or involving another agency with jurisdiction.

BACKGROUND

Site Description

The project site is located in the Central District neighborhood of Seattle at 31st Ave S at the intersection of S. Day Street. The site is located at the northern edge of a NC1-30 zone, which extends approximately 2 blocks to the south and along the block faces fronting 31st Ave S. Development in the immediate area includes residential structures; residential structures converted to commercial uses and one to three story commercial structures.



The development site contains approximately 7,500 square feet of area and has approximately 75 feet of street frontage along 31st Ave S. S Day Street is a platted right of way but is not developed with full street improvements due to the grade changes on the site and in the area. S Day Street currently has a staircase developed in the right of way. The topography of the lot slopes down from east to west with a grade change of approximately twenty two (22) feet on the west side of the property. A vacant single family home will be demolished as a result of this proposal.

Public notice

The public notice for this project began on October 13, 2004 and, based on request by a member of the public, was extended two weeks beyond the close of the public comment period scheduled for November 3, 2004. Eight (8) public comment letters were sent in expressing both support and concern about the project. Letters expressing concern about the project focused in on the loss of commercial land and the precedential effect that the approval of a single purpose residential would have on this commercial zone. Letters supporting the project cited the high vacancy rates in nearby commercial properties to support the creation of single purpose residential uses in this zone.

ANALYSIS – ADMINISTRATIVE CONDITIONAL USE TO ALLOW A SINGLE PURPOSE RESIDENTIAL USE IN AN NC2/R-40 ZONE

SMC 23.47.004E requires an Administrative Conditional Use Permit for single purpose residential structures in an NC2 zone. The criteria to evaluate these structures in SMC 23.47.006B4 are listed below, followed by analysis:

In order to conserve the limited amount of commercially zoned land for commercial uses, single-purpose residential structures shall generally not be allowed in commercial zones. However, additions to, or on-site accessory structures for, existing single-family structures are permitted outright. Where single-purpose residential structures may be permitted as an administrative conditional use, such a permit may be granted only when the following circumstances exist:

- a. Due to location or parcel size, the proposed site is not suited for commercial development; or*

The NC1-30 zone where this property is located allows for single purpose residential structures, subject to an Administrative Conditional Use Permit under SMC 23.47.004E. The proposed site is not located with an Urban Village. The development site abuts a residential zone and is located approximately 50 feet south from another residential zone. The street is a nonarterial street that is residential in scale and character, based on surrounding uses and zones.

The block face where the proposal is located is a commercial zone that is approximately 465 feet in length covering one and one-half blocks that front along 31st Ave S. The zone is limited to those properties fronting onto 31st Ave S and does not extend beyond the respective half block on either side of this street. As referenced, the surrounding properties are all residentially zoned. The subject property is marked by steep slopes that cover approximately ½ of the west portion of the site. Furthermore, the adjacent right of way along S Day Street is not developed with full street improvements due to this slope; a stairway is located within the right of way connecting to the adjacent residential zone. The only access to the site is along 31st Ave S. Immediately to the north of the subject property is a single purpose residential structure. Across S Day Street on the west side of 31st Ave S. is another single purpose residential use. The parcels within this zone on the west side of the street primarily have longer frontages than the subject parcel, which might be a result of the proximity of the steep slope. The subject parcel does not share this characteristic but is more similar to parcels located on the east side of the street that are relatively flat in comparison.

While the site is effectively reduced in size due to the steep slope, which further limits access to the site, there is a buildable portion of the site not located in the steep slope that is adjacent to an improved street and, as such, is considered suitable for some potential commercial development.

- b. There is substantial excess supply of land available for commercial use near the proposed site, evidenced by such conditions as a lack of commercial activity in existing commercial structures for a sustained period, commercial structures in disrepair, and vacant or underused commercially zoned land; provided that single-purpose residential development shall not interrupt an established commercial street front. As used in this subsection, an "established commercial street front" may be intersected by streets or alleys, and some lots with no current commercial use.*

There has been no significant commercial activity in the immediate NC1 zone. The area is marked by small commercial structures as well as a few other structures that previously had a residential use but have been converted to commercial activities. One significant commercial structure has been built in this zone which was completed in 2000. The adjacent property to the north was approved for a single purpose residential structure under MUP 9904125, converting a use established as apartments to a single family residential structure. A small institution along with three vacant parcels is also located in this zone. Commercial activity in the area has been somewhat transient however a few structures have some extended commercial activity. Despite this, much of the remaining commercial parcels are underutilized. The predominate commercial activity in the area is approximately ½ mile away along Rainier Ave S.

DECISION – ADMINISTRATIVE CONDITIONAL USE

As the project meets criteria b in SMC 23.47.004, the request for an Administrative Conditional Use Permit for a single purpose residential use in an NC1-30 zone is **APPROVED** with no conditions.

ANALYSIS - SEPA

The applicant submitted an Environmental Checklist dated October 13, 2004 and a Geotechnical Engineering Study prepared on August 17, 2004 by Geotech Consultants. The information provided in the checklist and report, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation," subject to some limitations. Under such limitations/circumstances (SMC 25.05.665 D1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Section 25.05.908B of the Seattle Municipal Code states that the scope of the environmental review actions within environmentally critical areas is limited to the following:

1. Documenting whether the proposal is consistent with the City of Seattle regulations for Environmentally Critical Areas, SMC Chapter 25.09 and

2. Evaluating potentially significant impacts of the environmentally critical area resources not adequately addressed in the City of Seattle Environmentally Critical Areas, including any additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

Short-term Impacts

The following short-term temporary or construction-related impact on the identified critical area is expected: 1) temporary soil erosion. The impact is limited in scope and is temporary in nature. Pursuant to SMC 25.05.794, it is not significant; however, further discussion is warranted.

Several adopted codes and/or ordinances provide mitigation for the temporary soil erosion impact. The Stormwater, Grading, and Drainage Control Code regulates site excavation for foundation purposes and requires soil erosion control techniques be initiated for the duration of construction. The ECA ordinance regulates development and construction techniques in designated ECA areas with identified geologic hazards. The Building Code provides for construction measures and life safety issues. These codes and ordinances provide for extensive review and conditioning of the project prior to issuance of building permits, therefore no further conditioning is warranted pursuant to SEPA policies.

Due to the fact that grading will be undertaken during construction, additional analysis of earth and grading impacts is warranted

Earth/Soils

The subject site is designated as an Environmentally Critical Area due to steep slopes which exceed 40%. ECA submittal, general, and landslide-hazard as well as other applicable development standards apply.

Grading of approximately 960 cubic yards of material will be required to be removed and an additional 130 cubic yards of fill imported to the site to accommodate the proposed driveway along the northern property line and construction of the foundations and garages of the townhouse structures. The construction plans, including shoring of excavations where needed and erosion control techniques were reviewed by a DPD Geotechnical Engineer and Building Plans Examiner for compliance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Ordinance, and Director's Rules 3-93 and 3-94). These codes and ordinances provide extensive conditioning authority and prescriptive construction methodology to ensure safe construction techniques are used to reduce or eliminate the identified short term impact, therefore no additional conditioning pursuant to SEPA policies is warranted.

Long Term Impacts

Potential long-term impacts that may occur as a result of this project are: 1) increased surface water runoff due to greater site coverage by impervious surface, and 2) loss of plant and animal habitat.

Drainage

The proposed development is expected to have extensive impervious surface lot coverage from the townhouse structures and the access drives. However, the ECA Ordinance and the Stormwater, Grading and Drainage Control Code provide for extensive review and adequate conditioning of the project prior to issuance of building permits. Therefore, no conditioning for storm water impacts is warranted pursuant to SEPA.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS -SEPA

None.

Signature: _____ Date March 3, 2005

Michael Jenkins, Senior Land Use Planner
Department of Planning and Development
Land Use Services

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